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| EXAMINER | |
|---|---|
| GROSSO, HARRY A | |
| ART UNIT | PAPER NUMBER |
| 3781 | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/501,382 | BUCHER ET AL. | |
| | Examiner | Art Unit | |
| | HARRY A. GROSSO | 3781 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *05 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *9-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 July 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/15/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the quardrilatral or tubular profile (claims 10 and 12) and the reinforcing profiles comprising two webs which are inclined toward the side wall (claim 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Information Disclosure Statement*

2. The information disclosure statement filed July 14, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. One foreign patent that is not in English has not been considered.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 10 and 12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 10 and 12 recite the limitation of a quadrilateral or tubular profile. This subject matter is not described in the specification in such a way as to convey that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 9-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 9 recites the limitation of "edge profiles being configured in two parts and two partial profiles of an edge profile run are parallel intermediate space between the two partial profiles is filled completely by a thermally insulating material". There appears to be words and/or punctuation missing from this phrase and the intent is not clear. Claims 10-19 depend on claim 9.

8. Claims 10 and 12 recite the limitation of a quadrilateral or tubular profile. This subject matter is not described in the specification in such a way as to make clear what is intended.

9. Claim 16 recites the reinforcing profiles comprise two webs which are inclined toward the side wall. This is not disclosed in the specification in such a manner as to make clear what is intended by being inclined toward the side wall.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 9, 10 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen (5,460,013) in view of Talmey et al (3,175,606) (Talmey) and McGrath et al (5,875,599) (McGrath).

12. Regarding claim 9, Thomsen discloses an ISO container (Figures 1-2, column 5, lines 1-6) capable of being used as a workroom with a cuboid metal frame of ISO corners and edge profiles and thermally insulated side walls, ceiling and floor.

Thomsen does not disclose edge profiles configured as two parts with two partial profiles. Talmey discloses a similar container with edge profiles configured as two parts as seen at the corners between the ceiling, walls and floor as seen in Figures 3-6 and insulating material (171, 173, 174, 176) filling the space between the profiles, as best understood, to provide rigidity and insulation (column 7, lines 3-23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of edge profiles configured as two parts and insulating material filling the space between the profiles as disclosed by Tabler in the container disclosed by Thomsen to provide edge structure that provides rigidity and insulation at the container edges.

13. Thomsen does not teach that the side walls ceiling and floor have a vacuum insulation layer. McGrath discloses insulation panels for use in containers (Figure 2, column 4, lines 1-10 and column 5, lines 24-39) with inner and outer walls (42a and 42b), a vacuum insulation layer (12) and a foam layer (30a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of insulation panels with a vacuum insulation layer as disclosed by McGrath in the container disclosed by Thomsen to provide walls with improved insulation using panels known in the art for constructing containers.

14. Regarding claim 10, Tabler discloses two part L-shaped partial profiles as seen in the figures.

15. Regarding claim 18, Thomsen as modified by Tabler and McGrath do not disclose ISO corners protrude into the container interior and it is common for the ISO the corners to be mounted without protruding into the container interior to provide a smooth interior, however, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have covered any corners protruding into the interior in order to maintain the insulation of the container interior.

16. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen as modified by Tabler and McGrath in view of Kotcharian (4,021,982).

17. Regarding claim 11, Thomsen as modified by Tabler and McGrath discloses the invention with an exterior metal cover layer, a vacuum insulation layer, a non-vacuum insulation material (foam material as disclosed by McGrath) and an interior metal layer, however they do not teach the use of a plywood layer. Kotcharian discloses an insulating wall structure (Figure 7, column 8, lines 47-63) having an exterior metal cover layer (1), two insulation layers (5, 27), a plywood layer (26) and an interior metal layer (11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a plywood layer as disclosed by Kotcharian in the container disclosed by Thomsen as modified by Tabler and McGrath to provide a supporting separating layer adjacent the interior metal layer.

18. Regarding claim 12, Tabler discloses two part L-shaped partial profiles as seen in Figures 4-6.

19. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen as modified by Tabler, McGrath and Kotcharian in view of Fecko et al (6,615,741) (Fecko).

20. Regarding claim 13, Thomsen as modified by Tabler, McGrath and Kotcharian disclose the invention and further disclose reinforcing profiles in the walls, floor and ceiling as seen in the figures for Thomsen. Thomsen as modified by Tabler, McGrath and Kotcharian does not teach the reinforcing profiles contact one cover layer and are separated from the other cover layer by a layer of insulation. Fecko discloses an insulated panel construction for a container with a reinforcing profile (136, Figure 13, column 10, lines 31-45) that contacts one cover (18) and is separated by the other cover layer by insulation (80). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of reinforcing profiles that contact one cover layer and are separated from the other cover layer by a layer of insulation as disclosed by Fecko in the container disclosed by Thomsen as modified by Tabler, McGrath and Kotcharian to provide reinforcing profiles that provide increased support to the walls and prevent the reinforcing profiles from conducting heat from the one cover layer to the other.

21. Regarding claim 16, Fecko discloses the reinforcing profiles comprise two webs which are inclined with respect to the wall, ceiling or floor, as best understood.

22. Claims 14, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen as modified by Tabler, McGrath, Kotcharian and Fecko in view of Stitt et al (3,031,044) (Stitt). Thomsen as modified by Tabler, McGrath, Kotcharian and Fecko

discloses the invention except for the web of the reinforcing profile is a metal material having a low conductivity. Stitt discloses a panel with multiple layers (16, Figures 1-2) and a reinforcing profile (42) made of stainless steel to retard heat conduction (column 4, lines 54-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of stainless steel for the profiles as disclosed by Stitt in the container disclosed by Thomsen as modified by Tabler, McGrath, Kotcharian and Fecko to provide profiles with a low heat conductivity.

23. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomsen as modified by Tabler and McGrath in view of Kloote et al (3,003,810) (Kloote) Thomsen as modified by Tabler and McGrath discloses the invention with doors but not the openings for doors with a metal frame with partial profiles in contact with the outside of the container. Kloote discloses a similar container with a door opening with a metal frame (71, 72, 77, 81 Figures 1 and 9, column 14, lines 47-65) in contact with the outside of the container. The metal material would have a low thermal conduction compared to some other metals or materials.

## ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRY A. GROSSO whose telephone number is (571)272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harry A. Grosso
/Harry A. Grosso/
Examiner, Art Unit 3781

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